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#10 Election w/A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Philip W. Hammond et al.	Art Unit:	1637
Serial No.:	09/910,518	Examiner:	Riley, J.
Filed:	July 20, 2001	Customer No.:	31020
Title:	METHODS FOR PRODUCING NUCLEIC ACIDS LACKING 3'-UNTRANSLATED REGIONS AND OPTIMIZING CELLULAR RNA-PROTEIN FUSION FORMATION		

Commissioner for Patents
Washington, D.C. 20231

REPLY TO RESTRICTION REQUIREMENT

In reply to the Restriction Requirement that was mailed in connection with the above-captioned case on August 6, 2002, Applicants elect the invention of Group I, claims 1-10. In addition, Applicants submit herewith a Preliminary Amendment, adding to Group I new dependent claim 17. The addition of claim 17 to Group I was approved by the Examiner in a telephone interview on October 10, 2002.

The above election is made with traverse. Applicants filed the claims of the present divisional application in reliance on the claim grouping made by the U.S. Patent

Office in parent case, U.S.S.N. 09/374,962, where all of the present claims 1-16 were classified together in one restriction group (Group V). Moreover, Applicants note that, in the present restriction, the claims in Group I (claims 1-10) were characterized as being directed to libraries of nucleic acids, while the claims of Groups II-V (claims 11-16) were mistakenly referred to being directed to methods. The claims of Groups II-V are in fact also directed to libraries of nucleic acids. For all of the above reasons, the Restriction Requirement in this case is respectfully traversed.

Enclosed is a petition to extend the period for replying for two months, to and including November 6, 2002. If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 16 October 2002

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PRELIMINARY AMENDMENT

Prior to substantive examination, kindly amend the above-captioned case as follows.

In the Claims:

Add new claim 17.

17. (New) The library of nucleic acid molecules of claim 1, said library produced by the steps of: (a) translating a library of mRNA molecules comprising open reading frames *in vitro* in a translation reaction mixture lacking functional translation release

A 1

factor activity, resulting in pausing of the translation reaction mixture ribosomes at the stop codons of said mRNA molecules; (b) adding, to said translation reaction mixture of step (a), reverse transcriptase and oligonucleotide primers which are complementary to the 3'-untranslated regions of said mRNA molecules at a site proximal to said stop codons, under conditions which allow the synthesis of strands of DNA that are complementary to said 3'-untranslated regions and terminate at sites proximal to said stop codons; and (c) removing the RNA portions of the RNA-DNA duplexes formed in step (b), thereby removing the 3'-untranslated regions of said mRNA molecules and producing a library of nucleic acid molecules, each comprising an open reading frame and lacking the 3'-untranslated region normally associated with said open reading frame..